

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Application of)
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Finnair OYJ)
)

For Blanket Statements of Authorization)
pursuant to 14 C.F.R. Part 212)
(codesharing with Lufthansa, Austrian Airlines,)
and Swiss International Air Lines))
)

Docket DOT-OST-2022-____

**APPLICATION OF FINNAIR OYJ FOR
BLANKET STATEMENTS OF AUTHORIZATION**

Communications with respect to this document should be addressed to:

Arthur J. Molins
General Counsel, The Americas
The Lufthansa Group
1400 RXR Plaza, 14W
Uniondale, NY 11556
(516) 296-9234
arthur.molins@dlh.de

DATED: April 14, 2022

NOTE: The applicant requests expedited approval of this application and will poll the carrier representatives on the attached service list and report the polling results to the Department.

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Docket DOT-OST-2022-____

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**APPLICATION OF FINNAIR OYJ FOR
BLANKET STATEMENTS OF AUTHORIZATION**

Pursuant to 14 C.F.R. Part 212, Finnair OYJ (“Finnair”)¹ applies for blanket statements of authorization to display the LH* designator code of Deutsche Lufthansa AG (“Lufthansa”); the OS* designator code of Austrian Airlines AG (“Austrian”); and the LX* designator code of Swiss International Air Lines (“Swiss”) on flights operated by Finnair on behalf of EW Discover GmbH (“EW Discover”) on a wet lease basis between the European Union and the United States.² Finnair requests blanket authority to display the LH*, OS*, and LX* codes to the full extent permitted under the U.S.-EU Open Skies Agreement and the U.S.-Switzerland Air Transport Agreement.³ Finnair

¹ Finnair has authorized counsel for Lufthansa Group to submit this application on Finnair’s behalf.

² Concurrent with this application, Finnair has also filed an application with the Department for a statement of authorization to wet lease aircraft to EW Discover on a long term basis, dated April 14, 2022.

³ Air Transport Agreement between the United States of America and the Swiss Confederation, dated June 21, 2010; Air Transport Agreement Between the United States of America and the European Community and its Member States, signed April 25 and 30, 2007, as amended by the Protocol dated June 24, 2010 (collectively, the “U.S.-EU Agreement, as amended”).

requests that the Department make the requested statements of authorization effective for an indefinite period, consistent with DOT precedent.⁴

In support of this application and in compliance with the Department's requirements under 14 C.F.R. § 212.10, Finnair states as follows:

1. Finnair, a carrier of Finland, holds a foreign air carrier permit issued by the Department authorizing it to engage in, *inter alia*, foreign scheduled air transportation of persons, property and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points to any point or points in the United States and beyond; and foreign scheduled and charter air transportation of persons, property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area.⁵

2. Finnair has entered into a wet lease arrangement with EW Discover whereby Finnair will operate certain flights on EW Discover's behalf on routes between the European Union and the United States.

3. Finnair requests statements of authorization, pursuant to 14 C.F.R. Part 212, to display (1) Lufthansa's LH* designator code; (2) Austrian's OS* designator code; and (3) Swiss' LX* designator code in conjunction with foreign air transportation of persons, property and mail on flights operated by Finnair on behalf of EW Discover on a wet lease basis between (i) any point or points behind any Member State of the

⁴ Consistent with the Department's Notice in the Matter of Blanket Notification of Code-Share Service to Open-Skies Partners and Points, dated February 9, 2009, Finnair hereby provides a blanket 30-day notice for the open skies codesharing described in this application. Finnair will notify the Department at least 30 days before commencing codeshare service to any non-open skies point.

⁵ Order 2008-9-30 (Docket DOT-OST-1997-3006).

European Union, via any point or points in any Member State and via intermediate points, to any point or points in the United States and beyond; and (ii) between any point or points in the United States and any point or points in any member of the European Common Aviation Area.⁶

4. The codeshare flights described herein will commence on or about May 15, 2022, provided the carriers have received all necessary governmental authorizations. Finnair initially plans to display the LH*, OS*, and LX* codes on wet lease flights between Frankfurt, Germany, on the one hand, and Las Vegas, NV, and Tampa, Florida, on the other hand; and between Munich, Germany, on the one hand, and Las Vegas, NV, on the other hand.

5. EW Discover has a DOT-approved codeshare arrangement in place that allows the LH*, OS*, and LX* codes to be displayed on certain flights operated by EW Discover.⁷ Finnair is submitting this application for a statement of authorization for those codes to also be displayed on flights Finnair will operate on EW Discover's behalf under the Finnair/EW Discover wet lease agreement.

6. Approval of the statement of authorization requested herein is consistent with the public interest and with the terms of the U.S.-EU Open Skies Agreement and the U.S.-Switzerland Air Transport Agreement.

⁶ Lufthansa, Austrian, and Swiss hold the requisite underlying authority for the requested codesharing approval (Order 2008-1-20 (DOT-OST-2007-29037)(Lufthansa); Order 2007-11- 7 (DOT-OST-2007-28472)(Austrian); and Order 2011-6-23 (DOT-OST-2010-0254)(Swiss)). Swiss codesharing on EW Discover flights operated by Finnair on a wet lease basis will be limited to passengers traveling between the U.S. and Switzerland. Swiss will not hold out or sell tickets under its code to passengers traveling only between the U.S. and EU.

⁷ Notice of Action Taken, Sept. 16, 2021 (DOT-OST-2021-0081).

7. Finnair accepts the conditions normally applicable to the codeshare authority requested herein. In addition, Finnair will comply with the requirements of 14 C.F.R. Part 257 regarding the codeshare services described herein.

8. Finnair requests a waiver of the 45-day advance filing requirement contained in 14 C.F.R. § 212.10(d)(2). Finnair plans to display the LH*, OS*, and LX* codes on flights operated by Finnair on a wet lease basis on behalf of EW Discover on or after May 15, 2022. For this reason, Finnair respectfully requests expedited approval of this application and will poll the carrier representatives on the attached service list and report the polling results to the Department.

WHEREFORE, Finnair respectfully requests that the Department grant its request for blanket statements of authorization to allow it to display the LH*, OS*, and LX* designator codes on flights Finnair will operate on a wet-lease basis on behalf of EW Discover as described herein for an indefinite duration, and grant such other additional relief as the Department may deem appropriate.

Respectfully submitted,



Arthur J. Molins
General Counsel, The Americas
The Lufthansa Group
1400 RXR Plaza, 14W
Uniondale, NY 11556
(516) 296-9234
arthur.molins@dlh.de

April 14, 2022

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Application of Finnair OYJ for Blanket Statements of Authorization by electronic mail upon the following:

ABX Air and Air Transport Int'l:	rsilverberg@sbgdc.com jjohnson@sbgdc.com
American Airlines:	robert.wirick@aa.com john.b.williams@aa.com
Amerijet Int'l:	rleon@amerijet.com
Atlas Air/Southern Air:	keinan.meginniss@atlas.com
Delta Air Lines:	chris.walker@delta.com steven.seiden@delta.com
Federal Express:	brian.hedberg@fedex.com anne.bechdolt@fedex.com
Kalitta Air:	psanderlin@kalittaair.com nwallace@wallaceair.com
National Airlines:	mlbenge@zslaw.com
Polar Air Cargo:	kevin.montgomery@polaraircargo.com
United Airlines:	dan.weiss@united.com steve.morrissey@united.com
UPS:	amna.arshad@freshfields.com anita.mosner@hklaw.com
FAA:	marina.obrien@hklaw.com john.s.duncan@faa.gov



Rachel Welford

Dated: April 14, 2022